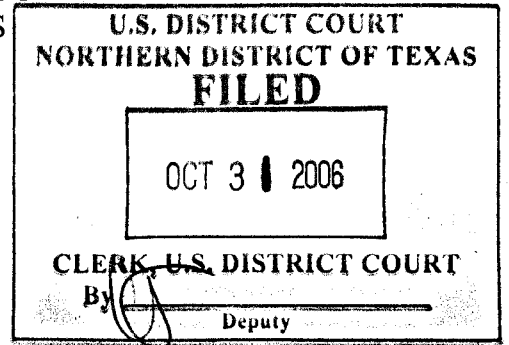


IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



LISA MOATS, Derivatively on Behalf of
Nominal Defendant ODYSSEY
HEALTHCARE, INC.,

Plaintiff,

v.

RICHARD R. BURNHAM, DOUGLAS
B. CANNON, JOHN K. CARLYLE,
DAVID W. CROSS, PAUL J.
FELDSTEIN, DAVID C. GASMIRE,
DEBORAH A. HOFFPAUIR, MARTIN
S. RASH, SHAWN S. SCHABEL,
and DAVID L. STEFFY,

Defendants,

and

ODYSSEY HEALTHCARE, INC.,


Nominal Defendant.

Civil Action No. 3:05-CV-1803-N
ECF

AGREED FINAL JUDGMENT DISMISSING AND APPROVING DISMISSAL

Pursuant to the parties' Joint Motion to Dismiss, this Court finds and concludes that this action should be, and hereby is, DISMISSED. The Court hereby approves dismissal of this action pursuant to FED. R. CIV. P. 23.1, based upon the representations of the parties in their Joint Motion to Dismiss. Each party to this action shall bear his, her, or its own costs. This shall constitute an order of Final Judgment terminating all proceedings in this matter.

SO ORDERED, this 31 day of Oct., 2006.


UNITED STATES DISTRICT JUDGE

AGREED AS TO FORM
AND SUBSTANCE:

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CASE CLOSED

CASE NUMBER: 3:05-CV-1803-N

DATE: 10-31-06

TRIAL HELD: NO